

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Action/Discussion Item:**

703 KAR 5:070, Inclusion of Special Populations in the State-Required Assessment and Accountability Programs (Final)

#### **Applicable Statute or Regulation:**

KRS 158.6453, KRS 158.6451 and 703 KAR 5:070

#### **Action Question:**

Should the Kentucky Board of Education (KBE) give final approval to 703 KAR 5:070 containing regulatory language that governs the use of accommodations during state-required test administration?

#### **History/Background:**

***Existing Policy.*** Senate Bill 1 (SB1), passed by the 2009 Kentucky General Assembly, established multiple assessment requirements and charged the Kentucky Board of Education (KBE) to create the new accountability system to classify districts and schools. With the guidance and approval of the KBE, the new accountability model, Unbridled Learning: College- and Career-Ready for All, offers a balanced approach organized around the KBE's four strategic priorities of next-generation learners, professionals, support systems and schools/districts.

Next-Generation Learners, the first component of Kentucky's new accountability model, begins in 2011-2012. As staff in the Office of Next-Generation Learners and Office of Assessment and Accountability began work on implementation of the new state-required assessments, test administration procedures including accommodations permitted during testing were examined. To provide a point of reference, Kentucky used guidelines from the National Assessment of Educational Progress (NAEP). As a respected national testing program, NAEP reflects many of the best practices in testing. Additionally, procedures used in other states were reviewed.

The issue of the content construct being measured by Kentucky's new assessments emerged as the primary focus. Testing procedures from NAEP and nearly all other states do not allow a reader to be used during a reading test. The reader accommodation calls into question the measurement of the content construct of reading ability and comprehension. This was the area of greatest disagreement between Kentucky's accommodation policy and the policies from NAEP. Kentucky's new reading comprehension test intends to be a measure of reading ability and not listening ability.

A second content construct issue arises as Kentucky adds new non-calculator sections in the mathematics tests in grades 3-8. Permitting a calculator on a non-calculator section impacts the

content construct being measured—mathematical fluency. This is a similar impact as using a reader on a reading test.

Through a project with the Appalachian Regional Comprehensive Center (ARCC) and the George Washington University Center for Equity and Excellence in Education (GW-CEEE), Kentucky received expert analysis of accommodations for Limited English Proficient (LEP)/English Learners (EL) students. The analysis flagged LEP/EL accommodations that are questionable and recommended their removal.

A stakeholder committee was convened to discuss possible revisions to accommodations for testing as reflected in 703 KAR 5:070. The proposed revisions were in three areas—policy changes, wording changes and new organization of the regulation. The proposed revisions are specific to student use during test administration. The accommodations permitted in the classroom are not governed by this regulation. Rather, the proposed revisions attempt to clarify what accommodations from the classroom may be appropriately moved into the testing situation without negatively impacting the construct being measured.

Since the first reading of the regulation in October 2011, suggestions from stakeholders have been incorporated into the proposed revisions. Changes since the first reading appear in bold font and a brief summary of changes is described below by section. Formatting edits and slight language changes that do not impact the intent of the regulation are not included in the summary.

- Introduction, Background and Purpose: Formatting changes only were made; no change was made to the intent.
- Section 1: Added reference to Alternate Assessment program.
- Section 2: Added language to clarify that accommodations must be student initiated; considered transitional and should be faded as students gain skills; not impact content validity being measured and be age-appropriate. Added more description to specific accommodations including that accommodations must be student initiated. Specific additions included: assistive technology may begin at an early age and fosters independence; notecard with blank graphic organizers may be a manipulative; and extended time is defined as time and a half and double time.
- Section 3: Added a reader with a description as an accommodation for English Learners. Descriptions are consistent with those in Section 2.
- Section 4: Added accommodations with descriptions permitted for students with 504 Plans. Descriptions are consistent with those in Section 2.
- Section 5: Updated terminology; no change was made to the intent.
- Section 6: No changes were made.

- Section 7: Added a new section for Alternate Assessment students that describe accommodations permitted for students in the Alternate Assessment program. Descriptions of accommodations are similar to those in Section 2 with slight modifications for the Alternate Assessment students.

The regulation is now coming forward for final approval.

**Impact on Getting to Proficiency:**

The new accountability system will establish how schools/districts are held responsible for assuring Kentucky's students are proficient and prepared for success. The accommodation regulation provides administration guidance to ensure that student performance is consistently measured in Kentucky's public schools.

**Groups Consulted and Brief Summary of Responses:**

The concepts from the stakeholder committee were discussed by the School Curriculum, Assessment and Accountability Council (SCAAC) multiple times, most recently at its November meeting. The District Assessment Coordinators Advisory Group as well as the Local Superintendents Advisory Council and other stakeholder groups continue to discuss the proposed revisions. Feedback has also been sought from the Office of Education Accountability (OEA). Feedback will be provided at the December meeting.

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**Commissioner of Education**

**Date:**

December 2011